

MAR 03 2009

Sim, Lowman, Ashton & McKay LLP
Barristers & Solicitors**Sim & McBurney**
Patent & Trade Mark Agents6th Floor, 330 University Avenue
Toronto, Ontario, Canada M5G 1R7**Tel. (416) 595-1155 • Fax (416) 595-1163****DATE:** March 2, 2009**Application No:** 10/517,384**Our Ref:** 11788-13 MIS:jb

TO:	FAX #	PHONE #
US Patent and Trademarks Office Mail Stop _	(571) 273-8300	

Total Number of Pages (Including This Page): 5**FROM:** Michael I. Stewart / 416-849-8400**COMMENTS:**

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T-372 P.005/005 F-045

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PTO/SB/17 (10-08)

Approved for use through 06/30/2010. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL For FY 2009

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)
1,990.00

Complete if Known

Application Number	10/517,384
Filing Date	January 11, 2006
First Named Inventor	Magdy Younes
Examiner Name	
Art Unit	
Attorney Docket No.	11788-13 MIS:jb

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order None Other (please identify):

Deposit Account Deposit Account Number: 192253 Deposit Account Name: Sim & McBurney

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee
 Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 Credit any overpayments

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity	Fee (\$)	Small Entity	Fee (\$)	Small Entity	
Utility	330	165	540	270	220	110	
Design	220	110	100	50	140	70	
Plant	220	110	330	165	170	85	
Reissue	330	165	540	270	650	325	
Provisional	220	110	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 (including Reissues) Fee (\$): 52 Fee (\$): 26

Each independent claim over 3 (including Reissues) Fee (\$): 220 Fee (\$): 110

Multiple dependent claims Fee (\$): 390 Fee (\$): 195

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
- 20 or HP =	x	=				

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
- 3 or HP =	x	=				

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$270 (\$135 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x	=	

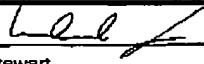
4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Corrective Basic National Filing Fee and Surcharge Fee

\$1990.00

SUBMITTED BY

Signature		Registration No. 24,973 (Attorney/Agent)	Telephone 416-849-8400
Name (Print/Type)	Michael I. Stewart		Date March 2, 2009

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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T-371 P.002 MAR 03 2009

1A/P19 REC'D PCT/PTO 03 MAR 2009

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PTO/902/01 (01-00)

Approved for use through 07/28/2009, OMB 0651-0031

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TRANSMITTAL
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

4

Application Number

10/517,384

Filing Date

January 11, 2008

First Named Inventor

May J. Younes

Art Unit

Examiner Name

Attorney Docket Number

11788-13 MIS:jb

ENCLOSURES (Check all that apply)

Fee Transmittal Form
 Fee Attached

Amendment/Reply
 After Final
 Affidavits/declaration(s)

Extension of Time Request
 Express Abandonment Request
 Information Disclosure Statement

Certified Copy of Priority Document(s)
 Reply to Missing Parts/ Incomplete Application
 Reply to Missing Parts under 37 CFR 1.52 or 1.53

Drawing(s)
 Licensing-related Papers
 Petition
 Petition to Convert to a Provisional Application
 Power of Attorney, Revocation
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 Terminal Disclaimer
 Request for Refund
 CD, Number of CD(s) _____
 Landscape Table on CD

Remarks

 After Allowance Communication to TC Appeal Communication to Board of Appeals and Interferences Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) Proprietary Information Status Letter Other Enclosure(s) (please identify below): _____

Covering letter: Deficiency of Basic National, Excess Claims, Extra Independent Claims and Multiple Claims Fees and Surcharge Fee

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name
Sim & McBurney

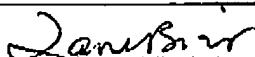
Signature

Printed name
Michael I. StewartDate
March 2, 2009Reg. No.
24,973

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name
Janet BistDate
March 2, 2009

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Sim & McBurney

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Please Quote

Our ref. 11788-13 MIS:jb

Your ref. 10/517,384

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March 2, 2009

Via Facsimile (571) 273-8300

Mail Stop -
Commissioner of Patents
Randolph Building
401 Dulany Street
Alexandria, VA 22314
U.S.A.

Dear Sir:

RE: US Patent Application 10/517,384**Applicant: Magdy Younes****Title: METHOD AND DEVICE FOR MONITORING AND
IMPROVING PATIENT-VENTILATOR INTERACTION**

The Basic National, Excess Claims, Extra Independent claims and Multiple Dependent Claims fees were paid at the Small Entity rate at the time of filing of this application, namely December 8, 2004. The applicant is a Large Entity and the Small Entity fee was paid in error.

Pursuant to CFR 1.28(c), enclosed is our deposit account payment of the difference between the large entity rate and the small entity rate and the surcharge fee. Pursuant to 37 CFR 1.27, the following itemization is provided:

(A) Type of Fee erroneously paid: Basic National, Excess Claims, Extra Independent Claims and Multiple Claims Fees

(B) The Amount of Basic National, Excess Claims, Extra Independent Claims and Multiple Dependent Claims fees actually paid and when:
Fee: \$ 1,830.00 Date: December 8, 2004

(C) The deficiency owed amount:
Fee: \$ 1,869.00

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*Professional Engineer

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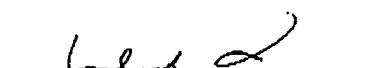
MAR 03 2009

(D) The total deficiency owed amount including surcharge fee:

Fee: \$ 1,999.00

It is requested that the PTO confirm that the payment of the Basic National, Excess Claims, Extra Independent Claims and Multiple Dependent Claims fees as a small entity is excused and that the deficiency payment has been accepted, along with the surcharge fee.

Yours very truly,



Michael I. Stewart
Reg. No. 24,973

Enclosure(s)

MAR 03 2009

Sim & McBurney

Patents and Trade Mark Agents

B1 - Quota

Please quote
Our ref 11788-13 MIS:ib

Your ref. 10/517,384

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March 2, 2009

Via Facsimile (571) 273-8300

Mail Stop -
Commissioner of Patents
Randolph Building
401 Dulany Street
Alexandria, VA 22314
U.S.A.

Dear Sir:

RE: US Patent Application 10/517,384
Applicant: Magdy Younes
Title: METHOD AND DEVICE FOR MONITORING AND
IMPROVING PATIENT-VENTILATOR INTERACTION

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(B) The Amount of Basic National, Excess Claims, Extra Independent Claims and Multiple Dependent Claims fees actually paid and when:

Fee: \$ 1,830.00 Date: December 8, 2004

(C) The deficiency owed amount:

Foo: \$ 1,869.00

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